NOTES OF CASES.

Judges Must Not Lecture Juries.—Down in the sunny state of Mississippi, where the statute does not authorize trial judges to instruct petit juries concerning the law of the case which they are impaneled to try, unless requested to do so in writing by one of the parties to the suit, a judge recently undertook to lecture the jury at the time they were impaneled. The judge told them, in substance, that it was his desire to make this term of the court a business term, and that he could accomplish nothing without the co-operation of the people, and that it was his purpose to make the court self-sustaining. In Butler *v.* State, 59 Southern Reporter, 845, appellant assigns as error these words of the court, which he construes to mean that the judge advised juries to convict persons charged with crime for the purpose of raising revenue for the county. The Supreme Court of Mississippi holds that, although the judge exceeded his powers, the unauthorized generalizations of the judge about the enforcement of the law would not justify a reversal of the case. The court adds: "Circuit court judges should be extremely careful about making speeches to petit juries. This is the province of the bar, and quite enough is said by the lawyers."

Bailment—Sale of Horse—Damage during Trial Run—Seller's Risk—Negligence.—Thorne *v.* Sibley. A had agreed to buy a horse of a dealer subject to trial, and during the trial the horse became restive and injured itself, but there was no proof of negligence on the part of the intending buyer. Held, that, the property not having passed, the risk was still in the seller, and A was not liable for the loss.

The plaintiff claimed, first, 25l., being the price of a horse sent to the defendant on trial, and, secondly, the like sum alternatively as damages for negligence in its custody.

It appeared that the defendant Sibley was asked at a horse show by a horse-dealer whether he was open to buy a good mare which the dealer knew was for sale. The defendant replied he would like to try it, and next day the mare was sent to the defendant on trial. While the mare was being tried in harness it became restive, threw itself backwards, and broke its neck. The plaintiff, the seller, alleged that he had offered the mare for sale as a hunter solely, and that it ought, therefore, not to have been tried in harness. The defendant, however, denied this, and said that all he was told was to be careful when trying the horse in harness.

His Honour gave judgment for the defendant, saying that this was a case of bailment, and that, inasmuch as the property had not passed to the buyer, the risk was still in the seller, as was decided in the leading cases of Head *v.* Tattersall and Elphick *v.* Barnes.—London Law Journal, February, 1913.